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APPLICATION NO.		FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,002 02/05/2004		Bang-Chi Chen	QA0278 NP	QA0278 NP 5374	
23914	7590	06/06/2005	EXAMINER		INER
STEPHEN		/IS SQUIBB COMPANY	BALASUBRAMANIAN, VENKATARAMAN		
PATENT D			ART UNIT	PAPER NUMBER	
P O BOX 4	000		1624		
PRINCETO	N, NJ (	)8543-4000	DATE MAIL ED-06/06/2005		

Please find below and/or attached an Office communication concerning this application or proceeding.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ± MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Etherised from my be available under the providence of 3° CPR 1.136(a). In no event, however, may a reply be timely filled  Etherised from my be available under the providence of 3° CPR 1.136(a). In no event, however, may a reply be timely filled  Etherised for reply specified above is less than thirty (30) days, a reply within the statutory princing that the replace of the period for reply specified above, the maximum statutory period will apply and will explicit (50) MONTHS from the mailing date of this communication.  Fill operated for reply specified above, the maximum statutory period will apply and will explicit (50) MONTHS from the mailing date of this communication (50) MONTHS from the mailing date of this communication.  Fill operated for reply specified above is less than thirty (30) days, a reply within the scalar of the communication.  Fill operated from the second second reply specified above the maximum of the communication.  Fill operated patent term adjustment. See 37 CFR 1.794(b).  Status  1) Responsive to communication(s) filled on		Application No.	Applicant(s)					
Venicalaraman Ballasubramanian   1624		10/773,002	CHEN ET AL.					
The MALLING DATE of this communication appears on the cover sheet with the correspondence address − Period for Repty  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE £ MONTH(S) FROM THE MAILLING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provision of 30 °CPR 1.136(s). In or event, however, may a reply be timely filled after 50k (5) MONTH'S time the mailing date of this communication. 97 Virtual time of the communication of 30 °CPR 1.136(s). In or event, however, may a reply be timely filled after 50k (6) MONTH'S time the mailing date of this communication. 98 °CPR 1.746(s).  Fellules to reply within the set or extended period for reply will, by statutor, ensure the application to become ABANDONED (35 U.S.C. § 133). earned patent term adjustment. See 37 °CPR 1.744(s).  Status  1)☐ Responsive to communication(s) filled on	Office Action Summary	Examiner	Art Unit					
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE £ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of three may be available under the provisions of 37 CPR 1.33(a), in no event, however, may a reply be timely filed  Extensions of three may be available under the provisions of 37 CPR 1.33(a), in no event, however, may a reply be timely filed  Extensions of three may be available under the provisions of 37 CPR 1.33(a), in no event, however, may a reply be timely filed  Extensions of three may be available under the provisions of 37 CPR 1.33(a), in no event, however, may a reply be timely filed  Extensions of three may be available under the provisions of 37 CPR 1.33(a), in no event, however, may a reply be timely filed  Extension of the maintenance of the provision of the provision of the maintenance of the provision of the communication.  Failur to in provision of the provision of the maintenance of the maintenance of the provision of th								
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1) Responsive to communication(s) filed on	THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply  - If NO period for reply is specified above, the maximum statutory period w  - Failure to reply within the set or extended period for reply will, by statute,  Any reply received by the Office later than three months after the mailing	6(a). In no event, however, may a reply be tim within the statutory minimum of thirty (30) days ill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONED	ely filed swill be considered timely. the mailing date of this communication. O (35 U.S.C. § 133).					
2a)  This action is FINAL. 2b)  This action is non-final.  3  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4  Claim(s) 1-20 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5  Claim(s) is/are allowed.  6  Claim(s) is/are rejected.  7  Claim(s) is/are objected to.  8  Claim(s) 1-20 are subject to restriction and/or election requirement.  Application Papers  9  The specification is objected to by the Examiner.  10  The drawing(s) filed on is/are: a) accepted or b⟩ objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheel(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.	Status							
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## **DETAILED ACTION**

Claims 1-20 are pending.

## Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 1-4 drawn to a process of forming a intermediate compound of formula IV, classified in class 544, subclasses 182, 183
- II. Claims 5-20 drawn to final product-compound of formula I, and a process of making, composition and method of use, classified in class 544, subclass 183..

The inventions are distinct, each from the other because of the following reasons: Inventions I and II are related as mutually exclusive process of species in an intermediate-final product relationship. Distinctness is proven for claims in this relationship if the intermediate product is useful to make other than the final product (MPEP § 806.04(b), 3rd paragraph), and the species are patentably distinct (MPEP § 806.04(h)). In the instant case, the intermediate product is deemed to be useful as pharmaceutical agents as well as making compounds with different scope as evident from instant claims. In addition, the process steps leading to the final product are distinct and different from the process steps leading the intermediate product, Thus the process of making the intermediate would be superfluous to the process of making the final product. Furthermore, even if the final product were found to be not patentably distinct, the process of making it may be patentable which may not be true for the process of making the intermediate. Hence, the Group I and Group II are deemed

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patentably distinct since there is nothing on this record to show them to be obvious variants. They can be made and used independently. Art which may render obvious or anticipate one of the groups would not necessarily do the same for the other group. For example prior art cited in the International Search Report may not be applicable to all the above groups. Each can support a patent as the compounds of each group are capable of being utilized alone not in combination with other members listed in the Markush group.

In addition, it is necessary to classify and search all the controlling cores generically embraced in Group I and Group II and such a search of all controlling cores would serious search burden given the limited time available for each application.

In view of distinct nature of each of the invention, the restriction is set forth in writing.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

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Conclusion

Any inquiry concerning this communication from the examiner should be

addressed to Venkataraman Balasubramanian (Bala) whose telephone number is (571)

272-0662. The examiner can normally be reached on Monday through Thursday from

8.00 AM to 6.00 PM. The Supervisory Patent Examiner (SPE) of the art unit 1624 is

Mukund Shah whose telephone number is (571) 272-0674. If Applicants are unable to

reach Mukund Shah within 24-hour period, they may contact James O. Wilson, Acting-

SPE of art unit 1624 at 571-272-0661. The fax phone number for the organization

where this application or proceeding is assigned (703) 872-9306. Any inquiry of a

general nature or relating to the status of this application or proceeding should be

directed to the receptionist whose telephone number is (571) 272-1600.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAG. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-2 17-9197 (toll-free).

Venkalanawar Balanahawanan Venkataraman Balasubramanian

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